

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>PENNS CROSSING BUILDERS, et al., Plaintiffs</b>	:	<b>CIVIL ACTION</b>
	:	
	:	
	:	
<b>vs.</b>	:	<b>NO. 10-3967</b>
	:	
<b>JELD-WEN, INC., Defendant</b>	:	

**ORDER**

**AND NOW**, this 30th day of September, 2011, upon consideration of the defendant's motion to dismiss (Document #5), the plaintiffs' response thereto (Document #24), and the defendant's reply (Document #30), IT IS HEREBY ORDERED that the motion is GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED that:

1. Count One is dismissed with prejudice.
2. The motion is DENIED in all other respects.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.